

LABEL, IN PART: (Portion) "Texide Rubber Sheaths," or "Tetratex Prophylactics."

NATURE OF CHARGE: Adulteration (both lots), Section 501 (c), the quality of the articles fell below that which they purported to possess.

Misbranding (1 lot only), Section 502 (a), the label statements "For Prevention of Venereal Disease" and "Prophylactics" were false and misleading as applied to an article containing holes.

DISPOSITION: August 15, 1946. No claimant having appeared, judgments were entered ordering the products destroyed.

2118. Adulteration and misbranding of prophylactics. U. S. v. 15 Gross, etc. (F. D. C. No. 19635. Sample Nos. 3706-H, 3707-H.)

LIBEL FILED: April 17, 1946, Western District of Virginia; amended libel filed December 19, 1946.

ALLEGED SHIPMENT: On or about February 12, 1946, by the Crown Rubber Sundries Co., from Akron, Ohio.

PRODUCT: 15 gross and 2 gross of *prophylactics* at Pulaski, Va. Examination of 216 samples of each lot showed that 3.2 percent of one lot and 4.6 percent of the other lot were defective in that they contained holes.

LABEL, IN PART: "Texide Rubber Sheaths," or "Gold-Pak Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the articles were defective in that they contained holes.

Misbranding (Gold-Pak only), Section 502 (a), the label statement "Prophylactics * * * An aid in prevention of disease" was false and misleading.

DISPOSITION: January 10, 1947. The Crown Rubber Sundries Co. having withdrawn its answer and claim, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

2119. Misbranding of Neo-Enzymes Plain and Neo-Enzymes With Laxative. U. S. v. B. Sanders Wilson (Wilco Laboratories). Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 20120. Sample Nos. 28399-H, 28400-H.)

INFORMATION FILED: August 28, 1946, Northern District of Illinois, against B. Sanders Wilson, trading as Wilco Laboratories, Chicago, Ill.

ALLEGED SHIPMENT: On or about March 30, 1945, from the State of Illinois into the State of Washington.

LABEL, IN PART: "Neo-Enzymes Plain A Nutritional Supplement," or "Neo-Enzymes With Laxative An Aid In Digesting Starch, Fats and Proteins Waste Eliminant."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements on the labels (both products) "An Aid In Digesting Starch, Fats and Proteins," (plain) "Neo-Enzymes are supplied for nutritional purposes only to replace enzymes destroyed or lost in heat preparation of foods, or eliminated by the body," and (with laxative) "Neo-Enzymes is a digestive aid," and statements in the circulars entitled "Wilco Neo-Enzymes," which accompanied the articles, were false and misleading since these statements represented, suggested, and created in the mind of the reader the impression that the articles would aid in digesting starch, fats, and proteins; that they would aid impaired digestion and the assimilation of foods; that they would be efficacious in the cure, mitigation, treatment, and prevention of malnutrition, dietary imbalance, disorders arising in the digestive tract and transmitted to various parts of the body, febrile conditions, constipation, and infections such as colds; that they would hasten convalescence from disease or operation or chronic conditions due to glandular or metabolic deficiency; that they would be of value in the treatment of over-acidity and over-alkalinity; that they would enable one to digest over-cooked cabbage; that they would be efficacious in the cure, mitigation, treatment, and prevention of gastritis, dyspepsia, intestinal putrefaction, chronic fatigue conditions, wasting diseases, acne, allergic conditions,

*See also Nos. 2102, 2105-2108, 2110, 2111, 2114, 2118.

and arthritis; that they would relieve indigestion due to bloaty fermentation of foods; that they would normalize the intestinal contents and reduce bacterial formation of toxins, ptomaines, cadaverine, and putrescine; that they would aid food assimilation in old age; that they would enable one to build weight; and that the Neo-Enzymes Plain would replace enzymes destroyed or lost in heat preparation of foods or eliminated by the body. The articles would not be effective for the purposes claimed.

Further misbranding, Section 502 (a), the statements on the labels (both products) were misleading since they failed to reveal the fact that the articles would have little, if any, power to digest starch and proteins, which fact was material in the light of the following representations in the labeling: "Neo-Enzymes digests carbohydrates, proteins and fats—a balanced digestant complex. Effective in acid, alkaline or neutral medium. Amylolytic Activity By modified Wohlgemuth method; splits 475 times its own weight of soluble starch. Proteolytic Activity By electrotitration and spectrophotometric method; hydrolizes 680 times its own weight of casein and albumin."

Neo-Enzymes With Laxative. Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since the directions displayed on the bottle, provided for continuous use of the article, which was a laxative and should not be used continuously; and, Section 502 (f) (2), the labeling failed to bear adequate warnings against use of the article in those pathological conditions where its use might be dangerous to health. The article was a laxative, and its labeling failed to bear a warning that it should not be used in the presence of symptoms of appendicitis.

The information contained 4 counts, 2 charging violation under the provisions of the law relating to drugs reported in this notice of judgment, and 2 charging misbranding under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: On January 9, 1947, the defendant having entered a plea of guilty, the court imposed a fine of \$200 on each count. On January 16, 1947, the fine was reduced to \$100 on each count.

2120. Misbranding of Tyr-Ade. U. S. v. Chester R. Gilliland. Plea of guilty. Defendant placed on probation for a period of 2 years and ordered to pay \$300 in costs. (F. D. C. No. 21430. Sample Nos. 27871-H, 27872-H.)

INFORMATION FILED: January 20, 1947, Northern District of California, against Chester R. Gilliland, Sacramento, California.

ALLEGED SHIPMENT: On or about September 7, 1945, the defendant shipped a bottle of the product from the State of California into the State of Washington, and on September 10, 1945, he shipped a booklet entitled "Health From The Ground Up."

PRODUCT: Analysis showed that the article consisted essentially of mineral matter, including compounds of calcium, iron, iodine, and phosphorus, together with dulce and green, leafy tissue.

LABEL, IN PART: "Tyr-Ade, A Highly Concentrated Food."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Tyr-Ade" on the label of the article was misleading since it represented, suggested, and created in the mind of the reader the impression that the article would be effective in overcoming tiredness and fatigue, whereas it would not be effective for such purposes.

Further misbranding, Section 502 (a), certain statements in the booklet accompanying the article were false and misleading since they represented, suggested, and created in the mind of the reader the impression that the article would save health and life and prevent sickness and death; that it was vital for healthful body functioning; that it was vital to rebuild healthy, normal blood, bones, and tissue, to keep each organ working, to keep health up to par, and to regain health; that it would be an adequate treatment for anemia; that it would prevent a breakdown of kidney cells and decomposition in the walls of the kidneys; that it would prevent dropsy, albuminuria, and other kidney diseases often fatal; that the use of the article by women would prevent tumors, weakness, anemia, and various other female ailments, surgical operations, and hysteria; that the article would normalize the body; that common vegetables are not a satisfactory source of vitamins and minerals; that the deficiencies in manganese, sulfur, copper, sodium, magnesium, potash, and